

## VISASCREEN CERTIFICATION FOR HEALTH CARE WORKERS

by Robin L. H. Vermette, 2005

The U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) amended the regulations affecting requirements for **nonimmigrant registered nurses and certain health care workers, including physical therapists, occupational therapists, speech language pathologists and audiologists, medical technologists (a.k.a. clinical laboratory scientists), medical technicians (a.k.a. clinical laboratory technicians) and physician assistants**. Under Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, INA §212(a)(5)(C), the above professionals who may be on H-1B, J-1, O-1, and TN (NAFTA) visas had until **July 26, 2004**, to complete their credentialing and obtain "VisaScreen" certificates. The certification is to verify that their education, experience, licensure and English-language ability are equivalent to their U.S. counterparts. Certifications only are valid for a five-year period so it is possible some workers who remain in nonimmigrant status may have to go through the process again.

Previously nonimmigrant health care workers were exempt from the VisaScreen requirement and only those applying for immigrant visas were required to submit certification. Now all foreign nationals employed in one of the above seven categories require certification before they can obtain nonimmigrant or immigrant visas. This rule does not affect non-clinical health care occupations, F-1 optional practical training, J-1 training programs, foreign nationals who have applied for family-sponsored immigrant benefits, refugees, or U.S. permanent residents ("green card holders"). Also exempt are dependents of foreign nationals who obtain work authorization based on a pending I-485 Adjustment of Status application, regardless of their profession. For example: a husband and wife who are both TN nurses – if they remain as TNs, both must obtain the VisaScreen certificates. However, if the husband is going through the green card process, the wife may obtain work authorization based on his petition – and only the husband who is the principal applicant is required to obtain the VisaScreen certificate.

Nonimmigrant healthcare workers who plan to be, or are, employed in one of the above professions, must have a VisaScreen certificate in order for that employee to qualify for a temporary work visa, to apply for change of status to work in the U.S., to extend their stay in the U.S., or to exit the U.S. and attempt to reenter after a vacation.

The deadline for obtaining VisaScreen certification was July 26, 2004. Any new work visa applications, extensions or admissions after July 26, 2004, will be denied unless they have a valid certificate – with one exception.

In July 2004, the Department of Homeland Security extended the deadline for Mexican and Canadian healthcare workers. The extension applies only to TN healthcare professionals who were licensed and employed in the U.S. before September 23, 2003, as a registered nurse, physical therapist, occupational therapist, or medical technologist. The new deadline for them is July 26, 2005.

The VisaScreen process can easily take several months to obtain. For application instructions and requirements, contact the following organizations which are authorized to issue certification: the Commission on Graduates of Foreign Nursing Schools (CGFNS can certify in any of the seven covered professions) [www.cgfns.org](http://www.cgfns.org), the National Board for Certification in Occupational Therapy (NBCOT) [www.nbcot.org](http://www.nbcot.org), and the Foreign Credentialing Commission on Physical Therapists (FCCPT) [www.fccpt.org](http://www.fccpt.org).